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REPORT
No. 764

DAVID LEE HARRIGAN

JULY 26, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. GOSSETT, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1463]

The Committee on the Judiciary, to whom was referred the bill (H. R. 1463) for the relief of David Lee Harrigan, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows: Strike out all after the enacting clause and insert in lieu thereof the following:

That for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor child, David Lee Harrigan, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Thomas Y. Harrigan, citizens of the United States. Notwithstanding the provisions of section 13 (c) of the said Act, the said David Lee Harrigan may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of the immigration laws.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States of the minor half-Japanese child in the custody of a United States citizen serviceman and his wife who propose to adopt the child upon its admission into this country.

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter from the Deputy Attorney General, dated June 14, 1951, to the chairman of the Committee on the Judiciary, which letter reads as follows:

JUNE 14, 1951.

Hon. EMANUEL CELLER,

*Chairman, Committee on the Judiciary, House of Representatives,
Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 1463) for the relief of David Lee Harrigan, an alien.

The bill would provide that notwithstanding any provision of law excluding from admission to the United States persons of races ineligible to citizenship, the alien Seichi Sugiura, also known as Valarianus Sugiura, and now known as David Lee Harrigan, a minor half-Japanese child under the care of Mr. and Mrs. Thomas Y. Harrigan, both citizens of the United States residing temporarily in Japan, shall be considered the natural-born child of Mr. and Mrs. Harrigan.

The files of the Immigration and Naturalization Service of this Department disclose that the alien child was born in Tokyo, Japan, on November 22, 1946, of a Japanese mother and an unknown father who was an American soldier. He is presently residing in Japan with Lt. and Mrs. Thomas Y. Harrigan, who have initiated proceedings in the State of Texas to adopt him. Lieutenant Harrigan is connected with the Signal Section, Japan Logistical Command. It appears that the Harrigans are residents of Corpus Christi, Tex., that Lieutenant Harrigan was born in Louisville, Ky., in November 1919, and Mrs. Harrigan in El Campo, Tex., on September 2, 1919. According to the petition for adoption, the child was placed by his Japanese mother in Our Lady of Lourdes Baby Home at Yokohama, Japan, about 10 days after his birth, and he has resided with the Harrigans for about a year. It is further noted in the petition that his mother's consent for adoption was obtained in writing.

The alien child, being at least one-half Japanese, is ineligible for United States citizenship and thus is inadmissible to the United States under section 13 (c) of the Immigration Act of 1924. In the absence of general or special legislation he may not be permitted to enter this country for permanent residence.

Whether in this case the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. Since it appears, however, that the bill in its present form might be construed to grant the child United States citizenship as well as to permit his entry for permanent residence, it is suggested that in the event it receives favorable consideration by the committee it be amended by deleting everything after the enacting clause and substituting the following:

"That solely for the purposes of section 4 (a) and section 9 of the Immigration Act of 1924, and notwithstanding any provisions excluding from admission to the United States persons of races ineligible to citizenship, David Lee Harrigan, formerly known as Seichi Sugiura and Valarianus Sugiura, a minor half-Japanese child, shall be considered the alien natural-born child of Lieutenant and Mrs. Thomas Y. Harrigan, citizens of the United States."

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Mr. Lyle, the author of this bill, appeared before a subcommittee of the Committee on the Judiciary and urged the enactment of his measure.

Upon consideration of all the facts in this case, the committee is of the opinion that H. R. 1463, as amended, could be enacted and it accordingly recommends that the bill do pass.

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